

ORDER PASSED BELOW EXH.39

The plaintiff has filed this application for amendment in the plaint as per O.6 R.17 of the Code of Civil Procedure.

2) Read an application. An opportunity has given to file say of the defendants. Called say of the defendants on the application itself. Perused the records and submissions of both the parties.

3) By way of this application, the plaintiffs have submitted that, there is need of amendment is to be carried out in the plaint. The amendment sought in plaint is very crucial in the interest of the justice of the both parties. The defendant has submitted that application is necessary to be allowed.

5) I have gone through the record. Admittedly, the trial has commenced. The amendment sought to be incorporated by way of this application is for elimination of name of deceased defendant no. 3 Parabai Dagadu Chikane, which is crucial in nature. The plaintiffs have only claimed to amend the pleading without changing its nature. On perusal of the facts it appears that this amendment application is deserves to be allowed for avoiding multiplicity of the proceeding and in the interest of the

justice. An opportunity is available to the defendant to determine the suit on merit. Therefore following order is passed in the interest of justice.

ORDER

- 1) The application (Ex.39) is allowed subject to cost of Rs.100/- payable to contesting Defendant.
- 2) The plaintiffs shall carry out necessary amendment in the plaint, and shall submit amendment copy of the plaint and copy of the decree till next date.
- 3) The amendment sought be carried out forthwith

Date :03.10. 2019

Bhor.

Awate P.P.

Jt. Civil Judge(J.D.), Bhor,

Dist. Pune.